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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 JESSE JUNIOR CHACON,) Case No. CV 13-8366-CAS (DTB)
13)
14 Petitioner,)
15 vs.) ORDER ACCEPTING FINDINGS,
16 FRED FOULK, Warden,) CONCLUSIONS AND
17 Respondent.) RECOMMENDATIONS OF UNITED
18 STATES MAGISTRATE JUDGE

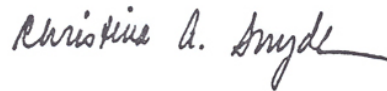
19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records
20 and files herein, and the Report and Recommendation of the United States Magistrate
21 Judge. No objections to the Report and Recommendation have been filed herein. The
22 Court concurs with and accepts the findings, conclusions and recommendations of the
23 Magistrate Judge.

24 IT THEREFORE IS ORDERED that respondent's Motion to Dismiss with
25 respect to the unexhausted aspects of Grounds Five, Six, Eight, and Sixteen, as well
26 as to the entirety of the unexhausted claims in Grounds Eleven, Thirteen, Fifteen,
27 Seventeen through Twenty-One, and Twenty-Three, is granted with leave to amend.
28 Petitioner is ORDERED to either: (a) File a notice of withdrawal of the unexhausted

1 Claims, or (b) file a request to stay the proceedings and hold the Petition in abeyance
2 while petitioner returns to state court to exhaust his state remedies with respect to
3 these claims within 30 days of the date of this Order.

4 In the event petitioner elects to withdraw the unexhausted claims, the Court will
5 order respondent to file an Answer to the Petition. In the event petitioner fails to
6 either file a notice of withdrawal of the unexhausted claims or file a request to stay
7 with respect to his unexhausted claims within 30 days of the date of this Order, the
8 Petition will be subject to dismissal as a mixed petition pursuant to Rose v. Lundy,
9 455 U.S. 509, 522, 102 S. Ct. 1198, 71 L. Ed. 2d 379 (1982).

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11 Dated: January 27, 2015



CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE